



**Report to the Legislature**

## **Naturalization Facilitation**

As required by RCW 74.08A.130

December 2006

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## **EXECUTIVE SUMMARY**

### **Program Overview**

RCW 74.08A.130 requires the Department of Social and Health Services (DSHS) to facilitate the naturalization of legal immigrants receiving public assistance, and to report annually to the Legislature on progress and barriers to the department's naturalization facilitation effort.

Naturalization is the process by which U.S. citizenship is conferred upon a legal immigrant after he or she fulfills the requirements established under the Immigration and Nationality Act (INA).

The Department of Social and Health Services (DSHS) coordinates services by contracting statewide with 31 community-based organizations (CBOs) to provide citizenship services to eligible immigrants, as mandated by RCW 74.08A.130 (Exhibit A).

To become a U.S. citizen, a refugee or immigrant must learn basic U.S. history and civics and pass a written or oral exam given in English by the U.S. Citizenship and Immigration Service (USCIS), formerly known as the U.S. Immigration and Naturalization Service (INS). The two major components of state/federal funded naturalization services include citizenship preparation training and funding for the USCIS fees.

### **Program Costs**

For State Fiscal Year (SFY) 2006, the funding appropriation for the Naturalization Facilitation program was \$1,886,000 (\$1,463,500 State and \$423,000 Federal funds from Office of Refugee Resettlement -ORR).

Program disbursements for SFY 06 totaled \$1,803,084 (\$1,395,015 State and \$408,069 Federal).

In SFY 06, the average cost per participant for citizenship preparation training, assistance with the USCIS application process, and USCIS interview follow-up services was \$612.

## **Program Outcomes**

In SFY 06:

- 2,947 eligible immigrants were served.
- Of the 995 persons who submitted a naturalization application during the 12-month period of July 2004 through June 2005, 500 or 50% reported they became U.S. citizens in SFY06. It generally takes 6-12 months for a person to become naturalized.
- 667 participants were identified as “outreach” clients. These are individuals who must naturalize in order to become eligible for SSI or maintain its benefits.
- 781 immigrants received assistance in paying for USCIS naturalization application fees.
- 1,279 immigrants received assistance in submitting required information to USCIS to waive the fees.
- 539 immigrants with disabilities received Disability Exception applications approved by the USCIS.

## **Key Barriers**

Major barriers to the department’s naturalization facilitation effort include:

- Restrictions on use of federal funds for naturalization facilitation purposes. Federal funds can only be used for individuals who entered the U.S. as refugees, and they cannot be used to pay for federal USCIS fees.
- USCIS fees. The cost for naturalizing has increased to \$400 per person.
- Inconsistency in USCIS approval of Fee Waivers. It appears that USCIS reviewers do not have established criteria for approving fee waiver requests. For instance, a husband and wife who have identical information and file separate requests. Most often one will be approved and one will be denied.
- Inconsistency in acceptance of Disability Exemptions (N648). This document is completed by a physician and explains the disability that prevents the applicant from learning English and civics. If accepted by the interviewer, the applicant is excused from the testing requirements. As reported in 2005, in Eastern Washington, the USCIS reviewer denies a large portion of these disability exemptions. Naturalization contractors have taken this issue to

USCIS management, but have not seen much improvement. There does not appear to be any guidelines to hold the interviewer accountable. In 2006, some applicants have been told to go to a different doctor for a new N648 and try again.

- For some clients, there are long delays from the time the applicant passes the test to obtaining their naturalization certificate. This is a result of the time it takes the FBI to give clearance to the USCIS for each applicant.

# **SFY 2006 REPORT ON NATURALIZATION FACILITATION**

## **I. BACKGROUND**

Naturalization is the process by which U.S. citizenship is conferred upon a legal immigrant after he or she fulfills the requirements established under the Immigration and Nationality Act (INA). The general requirements for naturalization include:

- A period of continuous residence and physical presence in the U.S.;
- An ability to read, write, and speak English;
- A knowledge and understanding of U.S. history and government;
- Good moral character;
- Attachment to the principles of the U.S. Constitution; and
- Favorable disposition toward the United States.

Most legal immigrants must reside in the U.S. for five years before they are eligible to become citizens. Immigrants who obtained permanent residency through marriage to a U.S. citizen must reside in the U.S. for three years before they can apply for citizenship. It generally takes about 6-12 months to naturalize. Of the 995 persons who submitted a naturalization application in the prior 12 months (July 2004-June 2005), 500 or 50% reported naturalization in 2006.

RCW 74.08A.130 (Exhibit A) requires the department to facilitate applications for naturalization for legal immigrants who receive public assistance. To facilitate the citizenship process, the department is required to coordinate and contract with public and private resources to ensure immigrants are referred to or otherwise offered classes. The department must also assist eligible immigrants to obtain appropriate test exemptions and other exemptions in the naturalization process, to the extent permitted under federal law. The stated intent of the Legislature is that immigrants receive naturalization facilitation services within two years of their eligibility to become a U.S. citizen.

Exhibit B provides basic information on the naturalization process and requirements.

## **Benefits of Naturalization**

Naturalized citizens receive the same rights as other citizens – most importantly the right to vote. Naturalized citizens are free from the threat of deportation, which is particularly significant in light of the strict scrutiny of non-citizens after the terrorist attacks in September 2001.

In addition, naturalized citizens can expect assistance from the U.S. Government when on trips abroad, sponsor other family members to the U.S., and access federally funded needs-based programs on the same basis as other citizens. Also, under current federal law, children automatically become citizens if at least one parent naturalizes. This provides the children with the same rights and advantages that their parents acquire through naturalization.

Naturalizing legal immigrants also benefits the state. Current federal law limits access for many immigrants to most federally funded assistance programs. Legal immigrants who receive state-funded food assistance, State Family Assistance (SFA), and General Assistance (GA) can move to the equivalent federal programs (federal Food Stamps, Temporary Assistance to Needy Families (TANF) and federal Supplemental Security Income (SSI) disability benefits) when they become citizens through the naturalization process. This movement will result in a reduction of state expenditures.

## **II. TARGET POPULATION**

To qualify for naturalization services, immigrants must be recipients of public benefits through a cash, medical, or food assistance program administered by DSHS. This includes immigrants who are barred from federal benefits because of their immigration status.

Clients most benefiting from these services include:

- Legal immigrants who are age 65 or older and who meet SSI income standards. These clients could qualify for SSI benefits if they naturalize.
- Immigrants who entered the U.S. after welfare reform (August 1996) who were immediately barred from receipt of federal benefits. Many of these clients are on state-funded assistance and would qualify for federal benefits if they naturalize.
- Refugees who are eligible to receive SSI for a maximum of seven years from the date they entered the U.S. These individuals can continue to receive SSI beyond seven years if they become U.S. citizens.

Washington State ranks sixth in the U.S. in resettling new refugees. Florida, California, Minnesota, Texas and New York resettle more refugees than

Washington<sup>1</sup>. Washington receives approximately 15,000 – 22,000 new immigrants and refugees each year<sup>2</sup>.

Of these, approximately 7 percent (nationally) are elderly. These numbers support the fact the potential pool of immigrant and refugee clients is growing and it is anticipated that the demand for naturalization services will continue to be greater than our ability to purchase services.

### **III. NATURALIZATION SERVICES**

In response to the legislative mandate, the department provides naturalization facilitation services through contracts with 31 community-based organizations (CBO) (Exhibit C).

To maximize resources, the department contracts with City of Seattle as the prime contractor for naturalization services in King County. This allows the state to take advantage of services the City already provides through its New Citizen Initiative (NCI) program, such as services to residents not on public assistance, legal assistance from immigration attorneys, teacher training and consultation, and CBO training on USCIS policies.

All contracted service providers have ties to ethnic communities through other social service programs and provide bilingual services in culturally appropriate ways. Citizenship classes are held in CBO classrooms, community colleges, neighborhood community centers, church facilities, and housing multi-purpose rooms. The time of day that the service is offered, class location, teaching techniques, and transportation assistance are tailored to the needs of the participants. Some contractors are able to provide tutoring for clients who are homebound.

Many recipients are elderly and often suffer from age related memory loss or lack of concentration. They need to spend more time in classes, practicing and studying before they can successfully pass the test. These participants often delay applying for naturalization until they are confident they can pass the interview.

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<sup>1</sup> Source: Refugee Resettlement Program , Department of Health and Human Services (March 7,2005) <http://www.acf.hhs.gov/programs/ORR/dataFY2004RA.htm>

<sup>22</sup> Source: 2004 Yearbook of Immigration Statistics-Office of Immigration Statistics, Homeland Security (January 2006) <http://www.hds.xlibrary/assets/statistics/yearbook/2004.pdf>  
Table 6 and 11

## **A. Services Provided**

Naturalization services provided through department contracts include:

- Assistance with completion and submittal of the USCIS Application for Naturalization form (N-400). The form is lengthy and difficult for many clients to complete.
- Payment of the USCIS naturalization application (\$330) and fingerprinting (\$70) fees.
- Assistance in requesting a waiver to the USCIS application fee.
- Citizenship preparation training and instruction, including classes in American History and civics.
- English language training needed for the citizenship test.
- Assistance with completion and submittal of the USCIS Medical Certification for Disability Exception form (N-648). This form requires a physician to verify the applicant's disability.
- Assistance in obtaining other test exemptions when appropriate.
- Assistance for clients who are reapplying and/or need special accommodations at the interview.
- Referrals to legal assistance or representation if necessary.

## **B. Test Exemptions**

CBO staff assists applicants to apply for test exemptions, ensuring that those who meet the language exemption have interpreters at the interview. They also facilitate the process of helping applicants obtain medical information from their physicians or psychologists that are needed by the USCIS to make a disability exception determination. The USCIS will either exempt certain disabled clients from having to take the citizenship test, or allow them to take a verbal instead of a written test.

Some immigrants may be eligible for test exemptions of the English and full civics testing if they are 50 years old and have been a permanent resident of the U.S. for a long period of time. There are three different age and residency exemptions that allow the applicant to take the test in his/her primary language, or if illiterate, orally. In some cases where the applicant is 65 years of age or older, he or she may be given a shortened version of the test.

## **C. Outreach**

Most CBOs that provide naturalization services have close ties to immigrant and refugee communities as they often provide other social services for them. They are effective in informing low-income and elderly immigrants about the naturalization services they provide.

In an effort to reduce the costs to the State, DSHS and agencies are aggressively outreaching to General Assistance clients who could potentially receive SSI benefits if they naturalize and SSI clients who could lose their benefits if they do not naturalize within a specific time frame. DSHS informs these clients through the use of translated correspondence. This includes:

- Letters to more than 1600 General Assistance (GA) clients who have been in the U.S long enough to apply for citizenship. These letters inform recipients of : the benefits of naturalizing, free services from DSHS contracted citizenship service providers, contact information for free immigration assistance and who to inform if they have already naturalized;
- Letters to nearly 700 SSI refugee recipients advising them that their benefits are expected to end due to their 7 year time limit. These letters also inform them of the benefits of naturalizing, free services from DSHS contracted citizenship service providers, contact information for free immigration assistance, who to inform if they have already naturalized and an application in their primary language (if available), for General Assistance so they do not lose all benefits;

If they lose SSI eligibility because of the time limit, they would likely qualify for state-funded General Assistance. Naturalizing General Assistance clients and refugees receiving SSI would reduce state expenditures.

## **D. USCIS Fees**

In addition to having some fluency in the English language and knowledge of U.S. history and civics, a major problem for low-income immigrants is the cost of naturalization. In October 2005, USCIS raised the application fee from \$320 to \$330.

To offset the USCIS fee increases, the department is encouraging service providers to assist clients to request a fee waiver. As a result, almost 1300 fee waiver requests were submitted in State Fiscal Year 2006 (SFY 06), which is more than were requested in the previous nine years since the naturalization program began. USCIS uses the following guidelines when considering fee waiver requests:

- The applicant has received a federal means tested public benefit (e.g., food stamps, Medicaid, SSI, or TANF) within six months of applying for naturalization.
- The client's household income for the most recent tax year is at or below the federal poverty level.
- The client is age 65 or older when applying.
- The applicant has dependents in the household who are applying at the same time.
- The client is considered by USCIS to be in a special situation requiring humanitarian or compassionate consideration.

Filing a request for a fee waiver is a significant workload increase for both the service provider and the client. The USCIS requires verification of the client's circumstances, such as income earned during the most recent tax year, family composition, or justification that the client is in a special situation requiring compassionate consideration. Submitting a fee waiver request will likely increase the processing time by about two months.

#### **IV. BARRIERS TO NATURALIZATION**

The naturalization process can be especially difficult for the elderly and persons with limited English proficiencies since they must meet the USCIS criteria for naturalization and correctly answer questions regarding U.S. history and government in an interview before a USCIS Examiner.

Naturalization services assist many immigrants in overcoming anxieties and barriers to the citizenship process including:

- Fear of contacting the USCIS to apply, especially given the close scrutiny on many non-citizens following the terrorist attacks in September 2001;
- Age related memory problems and their impact on learning civics and history;
- Inability to speak English under the pressure of the citizenship interviews;
- Citizenship classes that are tailored for "everyone" regardless of English capabilities;
- Difficulty in obtaining an exception to the testing process due to disability; and

- Costs related to applying for naturalization.

CBO contractors play a major role in addressing these concerns and preparing the clients they serve for the citizenship application process.

Applicants must complete a ten-page application, obtain fingerprints for background checks, and correctly answer questions regarding U.S. government and history as well as show their ability to speak English. The fees for the application and fingerprints are covered by funds for this program. Applications take about twelve months or more to be processed and may be delayed even further if USCIS requests more documentation or the participant belongs to certain groups targeted for FBI background checks.

## **VI. PROGRAM DISBURSEMENTS**

In SFY 06, Naturalization program disbursements totaled \$1,803,075 (\$1,395,015 State and \$408,060 Federal).

In SFY 06, the average cost per participant for citizenship preparation training, assistance with the USCIS application process and USCIS interview follow-up services was \$612.

The use of federal funds is restricted, as they can only be used for clients who entered the U.S. as refugees and cannot be used to pay for USCIS fees. Using both federal and state funds is difficult for contractors. They must track two client groups (refugees vs. non-refugees) and the type of service provided to ensure the appropriate use of state and federal funding.

## **VII. PROGRAM OUTCOMES**

As noted in the chart below, since the Naturalization Facilitation program began in April 1997, nearly 5,748 successfully naturalized after receiving services. This number is likely to be much higher because not all participants report their naturalization to contractors. While contractors receive payment for verification that a client successfully naturalized, the process can be lengthy and some clients may have to apply more than once before they are successful. Some clients move and naturalize on their own after receiving services and this information is not often reported to the service provider.

Contracted service providers reported the specific services and outcomes below:

	<b><u>July 2005–June 2006</u></b>
Total participants	2947
Total reported as naturalized	1268
Person hours of training	80,073
Application fees paid	781
Disability Certifications	539

## EXHIBIT A

### **RCW 74.08A.130**

#### **Immigrants - Naturalization facilitation.**

The department shall make an affirmative effort to identify and proactively contact legal immigrants receiving public assistance to facilitate their applications for naturalization. The department shall obtain a complete list of legal immigrants in Washington who are receiving correspondence regarding their eligibility from the social security administration. The department shall inform immigrants regarding how citizenship may be attained. In order to facilitate the citizenship process, the department shall coordinate and contract, to the extent necessary, with existing public and private resources and shall, within available funds, ensure that those immigrants who qualify to apply for naturalization are referred to or otherwise offered classes. The department shall assist eligible immigrants in obtaining appropriate test exemptions, and other exemptions in the naturalization process, to the extent permitted under federal law. The department shall report annually by December 15th to the legislature regarding the progress and barriers of the immigrant naturalization facilitation effort. It is the intent of the legislature that persons receiving naturalization assistance be facilitated in obtaining citizenship within two years of their eligibility to apply.

[1997 c 58 § 204.]

## **EXHIBIT B**

### **BASIC INFORMATION ON BECOMING A U.S. CITIZEN**

#### **Who is eligible?**

Legal permanent residents that have resided in the U.S. for five years (three years if married to a US citizen). Permanent resident status is indicated on the applicant's USCIS-I-551 Permanent Resident Card (also known as a "green card").

#### **Requirements to apply for citizenship - Applicant must:**

- Have been present in the U.S. for at least half of the 5 years (three years if married to a U.S. citizen);
- Be able to pass a test on speaking, understanding, reading and writing basic English;
- Be able to pass a United States history and government test;
- Have good moral character;
- Understand and accept the oath of allegiance to the United States; and
- Not have a citizenship-related legal problem.

#### **Exceptions in the testing requirements**

For applicants that meet certain age and time in the U.S. criteria, the USCIS makes exceptions to the testing procedures. This may include allowing the applicant to bring an interpreter for the English test, or asking the applicant 10 history and U.S. government questions instead of 20. For applicants who meet the USCIS criteria for disability, both tests are waived.

#### **What is the process?**

If the applicant meets all the eligibility requirements, he or she may file a USCIS Application for Naturalization form with required photos and a money order or check for the application fee (\$360) and fingerprint fee (\$70) to the USCIS. The process takes approximately 12-18 months from the date the application is sent to the USCIS to the date of the interview.

#### **Are there any resources available to help?**

There are community based organizations in the state that provide services to eligible applicants including assistance in completing the citizenship application and disability waiver requests, providing applicants with the USCIS fees, or assisting them to request the USCIS to waive the fees for low income families. These agencies also provide citizenship preparation classes.

## **What are the benefits?**

Many SSI clients that have not naturalized or cannot show they have 40 work quarters will lose their SSI benefits when they reach their 7 year time limit. By becoming citizens, they can maintain their benefits and become eligible for a full range of other public benefits. Citizens can apply for more family members to immigrate to the US and often more quickly than lawful permanent residents. Children, who are under 18 and live at home at the time one or both of their parents naturalizes, automatically become U.S. citizens. Citizens can vote, can travel abroad without worrying about re-entry permits, are protected from deportation and can apply for certain government jobs.

## EXHIBIT C

### DSHS NATURALIZATION CONTRACTORS

10/06

**Asian Counseling & Referral Service\***

720 8<sup>th</sup> Ave S., Suite 200  
Seattle, WA 98104  
(206) 695-7578

**Catholic Community Services – Refugee Assistance Program\***

St. Edwards School  
4250 Mead Street  
Seattle, WA 98118  
(206) 725-2090

**Center for Career Alternatives\***

901 Rainier Avenue S.  
Seattle, WA 98144  
(206) 322-9080

**Center for Multi Cultural Health\***

105 14<sup>th</sup> Ave #2C  
Seattle, WA 98122  
(206) 461-6910

**Chinese Information Service Center\***

409 Maynard Ave S #203  
Seattle, WA 98104  
(206) 624-5633

**El Centro de la Raza\***

2524 16<sup>th</sup> Avenue S  
Seattle, WA 98144  
(206) 329-9442

**Filipino Community of Seattle\***

5740 ML King Jr. Way S  
Seattle, WA 98118  
(206) 722-9372

**Horn of Africa Services\***

4714 Rainier Ave. S#105  
Seattle, WA 98118  
(206) 760-5071

**Indochina Chinese Refugee Association\***

418½ 8<sup>th</sup> Avenue S.  
Seattle, WA 98104  
(206) 625-9955

**International District\* Housing Alliance**

606 Maynard Ave S #105  
Seattle, WA 98104  
(206) 623-5132

**International Rescue Committee\***

318 1<sup>st</sup> Ave. E. Suite 200  
Seattle, WA 98104  
(206) 623-2105

**Jewish Family Services\***

1601 16<sup>th</sup> Avenue  
Seattle, WA 98122  
(425) 643-2221

**Lao Community Services Office\***

4714 Rainier Ave. S. #108  
Seattle, WA 98118  
(206) 267-5060

**Neighborhood House\***

10041 6<sup>th</sup> Ave. SW  
Seattle, WA 98146  
(206) 461-8430

**NW Immigrant Rights\*\* Project**

909 Eighth Ave  
Seattle, WA 98104  
(206) 587-4009

**Refugee Women's Alliance\***

4008 M.L.King Way S.  
Seattle, WA 98108  
(206) 721-0243

**SeaMar Community Health Centers\*\***

8915 14<sup>th</sup> Ave S  
Seattle, WA 98108  
(206) 764-4700

**St. James ESL Program\***

804 9<sup>th</sup> Avenue  
Seattle, WA 98104  
(206) 382-4511

**Ukrainian Community Center of Washington\***

221 Hardie Ave. NW  
Renton, WA 98055  
(425) 430-8229

**Khmer Community of Seattle-King County\***

10025 16<sup>th</sup> Ave. SW  
Seattle, WA 98146

**Literacy Source\***

720 N. 35<sup>th</sup>, Suite 103  
Seattle, WA 98103  
(206) 782-2050

**World Relief (Seattle)**

316 Maynard Ave. S #103  
Seattle, WA 98104-2719  
(206) 587-0234

## EXHIBIT C

### DSHS NATURALIZATION CONTRACTORS

10/06

**Korean Women's Assn.**

125 East 96<sup>th</sup> Street  
Tacoma, WA 98445  
(253) 535-4202

**My Service Mind\*\***

11016 Bridgeport Way SW  
Tacoma, WA 98499  
(253) 584-5615

**Tacoma Community House**

1314 South L St.  
Tacoma, WA 98415  
(253) 383-3951

**Refugee & Immigrant Services NW**

2000 Tower Street  
Everett, WA 98201-1352  
(425) 388-9307

**Refugee & Immigrant Service Center**

711 East State Ave  
Olympia, WA 98506  
(360) 754-7197

**Lutheran Community**

Services NW  
3600 Main St. Suite 200  
Vancouver, WA 98663  
(360) 694-5624

**World Relief (Spokane)**

1522 N. Washington,  
Suite 204  
Spokane, WA 99201  
(509) 484-9829 ext. 102

**World Relief (TriCities)**

2600 N. Columbia Center  
Blvd., Suite 206  
Richland, WA 99352

\* Subcontracts with the City of Seattle contract with DSHS

\*\* Also has a direct contract with DSHS